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TESTIMONY OF CONNECTICUT LEGAL SERVICES, INC. IN OPPOSITION TO HOUSE BILL 6386 AN ACT DELAYING IMPLEMENTATION OF LEGISLATION RAISING THE AGE OF JUVENILE JURISDICTION.

Good Morning Senator McDonald, Representative Lawlor, and members of the Judiciary Committee. My name is Melanie Ellis Starks and I am an attorney in the Children at Risk Unit of Connecticut Legal Services, Inc. (CLS). The Children at Risk Unit at CLS provides legal representation to low-income families who have children with disabilities, primarily to assist in obtaining access to special education and mental health services.

CLS urges the Judiciary Committee to oppose Bill 6386, An Act Delaying Implementation of Legislation Raising the Age of Juvenile Jurisdiction.

More than 10,000 Connecticut youth become entangled in the adult court system each year.¹ This means that every 16-year-old who is arrested in the state will be processed as an adult, even for minor and non-violent crimes, such as trespassing or school yard scuffles. They then face incarceration in facilities run by adult corrections leaving them vulnerable to a substantial risk of victimization and suicide.

The unfortunate culmination of this precarious situation was the suicide of Daniel Burgos, a 17-year-old with bipolar disorder and other mental health issues, who was incarcerated at Manson Youth Institute. It was this incident that spurred the Governor and the Legislature to immediate action to protect our youth, resulting in the 2007 passage of Raise the Age legislation.

The legislature's passage of Raise the Age was a testament to our shared belief that young people deserve all the support we can possibly give them to conquer their problems and move on to healthy and responsible adulthood. Additionally, we believe that full implementation of the planned Family Support Centers will reduce the numbers of youth needing to be served in the Juvenile Justice system and is the key "prevention piece" of the "Raise the Age" Continuum.

In my practice as a special education attorney, I have seen firsthand how damaging the current law is to our youth and how much we need Raise the Age to go into effect.

¹ Connecticut Juvenile Justice Alliance, *Raise the Age CT*, viewed on February 26, 2009, www.raisetheagect.org.



My client, whom I will call Kyle, was a 16 year old high school student who was reading at a 2nd to 3rd grade level. He had a learning disability and a short attention span. He had difficulty staying focused and had a habit of leaving his classrooms and roaming the halls. Each time he was found in the hallway, he was suspended for 2-3 days. After serving his suspension, he would return to school and inevitably get suspended again. By the beginning of November, he had been suspended out-of-school for 21 days, which is essentially half of the days school had been in session.

In one instance, Kyle had a disagreement with a school resource officer about where he was supposed be and, rather than diffuse the situation, it escalated to the point where Kyle raised his voice. The district had him arrested for breach of peace and disorderly conduct. Since Kyle was 16 years old, his case went to adult court and he had no access to support services that would have been available to him in juvenile court. Kyle's grandmother was beside herself because the school district kept suspending Kyle home without helping him and had him arrested, so she contacted CLS to intervene.

CLS obtained an independent evaluation which confirmed that Kyle had ADHD and a significant learning disability that had caused his longstanding behavioral issues. When the district would not stop suspending Kyle, his grandmother and CLS worked with the district to do an interim behavior intervention plan, which included (1) No more out-of-school suspensions (except when he presents as danger to himself or others, or when he causes disruption to learning and is non-responsive to interventions); (2) certain individualized interventions that were based on de-escalation, rather than confrontation; and (3) if needed to be disciplined for conduct not related to his disabilities, then he would receive in-school suspension. He was assigned a mentor teacher to be his point person whenever he was having trouble focusing. Administrators agreed to send him to the mentor for intervention when he was found in the hallway. Weekly counseling was also put in place. Unfortunately, Kyle did not have any support services outside of school to provide a continuum of services. Further, the district did not follow the plan as agreed.

When Kyle was again found in the hallway and again arrested for breach of peace, this time he was in violation of his probation. Here was an adolescent with disabilities in need of support services - both in school and in the community. Yet since he was already in the adult system, he didn't receive the crucial support services that he needed. Under Raise the Age, with access to services like access to family support centers, the outcome would have been different and better for Kyle. Instead, he started his involvement in the criminal justice system.

Studies show that youth like Kyle who do time in adult prisons are more likely to reoffend and to escalate into violence whereas youth who go through the juvenile system are less likely to reoffend. Therefore, the argument still stands that while we are spending more money on our youth up-front, we are preventing serial incarceration. Thus we are saving money and reducing crime, all at once.² —

² Id.

Moreover, delaying implementation of this legislation will mean dire consequences for our youth including: “(1) denying them the rehabilitative services available in the juvenile system, (2) exposing them to adult criminals, and (3) creating the lifelong disadvantage of an adult criminal record, which will reduce opportunities for education, employment and housing.”³

I firmly believe that our kids are worth it and therefore we should oppose delaying implementation of Raise the Age.

Thank You for your time and attention.

³ Id.

